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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,141	09/28/1999	DENNIS D. KING	RSW91999074US1 (261)	2350
46320 7590 08/10/2012 CAREY, RODRIGUEZ, GREENBERG & O'KEEFE, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 2022 BOCA RATON, FL 33487			EXAMINER SPOONER, LAMONT M	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 08/10/2012	DELIVERY MODE PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DENNIS D. KING

Appeal 2010-009611
Application 09/407,141
Technology Center 2600

Before, THOMAS S. HAHN, BRADLEY W. BAUMEISTER, and
BRIAN J. McNAMARA, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

DECISION ON APPEAL

SUMMARY

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-5, 7, 9-13, 15, 17-21, and 23. We have jurisdiction under 35 U.S. C. § 6(b). We reverse.

STATEMENT OF THE CASE

Appellant's invention concerns a method and apparatus for a multi-lingual user interface which automatically translates text from one language to another using a reusable control, such as a reusable data object. (Spec. 2, l. 24 – 3, l. 7)

Claim 1 is illustrative.

1. A method of automatically translating text from a source language to a target language with a reusable control, comprising the steps of:

initializing parameters to identify a plurality of variable comprising at least the source and the target language;

identifying when translation should be invoked for text in a field of the control;

encapsulating said steps of initializing and identifying in order to make a reusable data object; and

wherein said text is inputted into the field.

THE REJECTIONS

Claims 1-5, 7, 9-13, 15, 17-21, and 23 are rejected under 35 U.S.C. § 102(e) as anticipated by US 6,092,036 (Hamann).

Rather than repeat the arguments here, for the respective positions of the Appellant and the Examiner we refer to Appellant's Briefs (App. Br. filed February 5, 2008; Reply Br. filed July 14, 2008, Supp. App. Br. filed February 12, 2009) and the Examiner's Answer (Ans. mailed May 14, 2008).

CONTENTIONS

Appellant contends that the Examiner has completely ignored the claimed limitations regarding the “reusable control,” as set forth in independent claim 1 (App. Br. 5), and failed to establish an explicit claim construction for the term “reusable controls.” (App. Br. 6). Appellant further argues that those of ordinary skill in the art would know that the claimed “reusable data object” would be associated with distributable, object-oriented coding (e.g., Java objects). *Id.* Appellant further disputes the Examiner’s assertion that the translator of Hamann includes encapsulation of the initializing and identifying steps. (App. Br. 7).¹

ISSUE

Did the Examiner err in finding that Hamann explicitly or inherently teaches “encapsulating said steps of initializing [parameters to identify a plurality of variables comprising at least the source and the target language] and identifying [when translation should be invoked for text in a field of the [reusable] control] in order to make a reusable data object?”

ANALYSIS

We do not necessarily agree with all of Appellant’s contentions. Moreover, there is some uncertainty as to the meaning of “encapsulating said steps of initializing and identifying...” since it is not clear how one encapsulates steps (i.e.,

¹ Appellant’s contentions raise additional issues in the Appeal Brief. (App. Br. 4-9). However, we are persuaded of Examiner error regarding the identified issue, which is dispositive of the appeal. Therefore, we do not reach the additional issues. We further note that Appellant’s Brief begins with claim rejections and references which are not part of this appeal (App. Br. 4). We assume the inclusion of these arguments in Appellant’s Brief is in error, and we do not address them.

initializing and identifying). Appellant contends that the Specification at page 3, lines 3-4 provides support for this limitation stating: “The steps of initializing 430 and identifying 440 are encapsulated in order to make a reusable data object.” (Supp. App. Br. 3). However, the cited passage of the Specification actually reads: “The parameters and invoking information are then encapsulated in order to make a reusable object.” (Spec. 3, ll. 3-4).²

Regardless, Hamann does not disclose encapsulating parameters which identify a plurality of variables comprising at least the source and target language. At column 4, lines 34-66, Hamann teaches an object oriented application program 24 that includes translator 48. Translator 48 is responsive to constructor events (i.e., events which cause the creation of a window associated with objects in a windows based system (*see*, col. 8, ll. 12-14)) that occur as one or more of the objects, 50, 52, and 54 are constructed by the application program 24. Objects 50, 52, and 54 are user interfaces of the application program, which have properties and events associated with them. (*See*, Col. 4, ll. 42-50, Col. 8, ll. 4-6). The translator 48 replaces the language text associated with that object with the corresponding target language text. (Col. 4, ll. 51-56). However, translator 48 causes the application program 24 to use the application text items in the target language indicated by configuration settings 22. (Col. 4, ll. 37-40). The translation configuration settings are set by the user with configuration tool 20. (*See*, Fig. 1, Col. 3, ll. 57-60).

² The Specification also states that “[P]arameters are initialized to identify a plurality of variables comprising at least a source and a target language. It is then identified within the program as to when translation should be invoked for data in relevant controls.” (Spec. 3, ll. 1-3).

Thus, Hamann does not disclose that the source and target language are encapsulated in a reusable data object, as recited in claim 1. Independent claims 7, 9, 15, 17, and 23 all include similar limitations.

CONCLUSION

The Examiner erred in finding that Hamann explicitly or inherently teaches “encapsulating said steps of initializing [parameters to identify a plurality of variables comprising at least the source and the target language] and identifying [when translation should be invoked for text in a field of the [reusable] control] in order to make a reusable data object.”

ORDER

The rejection of claims 1-5, 7, 9-13, 15, 17-21, and 23 under 35 U.S.C. § 102(e) as anticipated by Hamann is reversed.

REVERSED

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